

In re:	:	
	:	Case No. 20-16365(KCF)
COLE, Ebony Ancheta,	:	
	:	Chapter 7
Debtor :	:	
	:	

Trustee Andrea Dobin objects to the exemptions claimed by the Debtor(s) under the subsections noted below for the reasons set forth for each section.

**[ XX] The Trustee objects to the Debtor's claim of exemption pursuant to 11 U.S.C. 522(d)(1) for the following reason(s):**

- ☐ The property proposed to be exempt is not used by the Debtor(s) or dependent(s) as a principal residence
- ☐ The Debtor(s) have no ownership interest in the real estate proposed to be exempted.
- ☒ **The amount claimed as exempt exceeds the statutory exemption and/or the Debtor is claiming “100% of the fair market value, up to any applicable statutory limit” making it impossible for the Trustee to know how much of the exemption applies.**
- ☐ OTHER: \_\_\_\_\_

**[ XX] The Trustee objects to the Debtor's claim of exemption pursuant to 11 U.S.C. 522(d)(2) for the following reasons:**

- [XX] The Debtor(s) have claimed an exemption in more than one vehicle per debtor and the Debtor has claimed “100% of the fair market value, up to any applicable statutory limit” making it impossible for the Trustee to know how much of the exemption applies.**

[ ] The amount claimed as exempt exceeds the statutory exemption

[ XX] OTHER: The Debtor is applying this exemption to assets that are not vehicles

[ ] **The Trustee objects to the Debtor's claim of exemption pursuant to 11 U.S.C. 522(d)(3) for the following reasons:**

- ☐ Based upon the Debtors' testimony, the Trustee believes that there is a good faith reason to believe that a particular item included in the claimed exemption exceeds the statutory per item cap
- ☐ The items proposed to be exempt are not held by the Debtor for personal family or household use of the Debtor(s) or their dependents.
- ☐ The amount claimed as exempt exceeds the statutory exemption.
- ☐ OTHER:\_\_\_\_\_
  
- ☐ **The Trustee objects to the Debtor's claim of exemption pursuant to 11 U.S.C. 522(d)(4) for the following reasons:**
  - ☐ The items proposed to be exempt are not held by the Debtor for personal family or household use of the Debtor(s) or their dependents.
  - ☐ The amount claimed as exempt exceeds the statutory exemption.
  - ☐ OTHER:\_\_\_\_\_
  
- ☐ **The Trustee objects to the Debtor's claim of exemption pursuant to 11 U.S.C. 522(d)(5) for the following reasons:**
  - ☐ The amount claimed as exempt exceeds the statutory exemption.
  - ☐ OTHER:\_\_\_\_\_
  
- ☐ **The Trustee objects to the Debtor's claim of exemption pursuant to 11 U.S.C. 522(d)(6) for the following reasons:**
  - ☐ The property proposed to be exempt is not used by the Debtor as implements, professional books or tools of the trade of the debtor or dependent.
  - ☐ The amount claimed as exempt exceeds the statutory exemption.
  - ☐ OTHER:\_\_\_\_\_
  
- ☐ **The Trustee objects to the Debtor's claim of exemption pursuant to 11 U.S.C. 522(d)(7) for the following reasons:**
  - ☐ The life insurance contract proposed to be exempted is a whole life policy.
  - ☐ The life insurance has matured and paid and, thus, this subsection does not apply
  - ☐ OTHER:\_\_\_\_\_
  
- ☐ **The Trustee objects to the Debtor's claim of exemption pursuant to 11 U.S.C. 522(d)(8) for the following reasons:**
  - ☐ The amount claimed as exempt exceeds the statutory exemption.
  - ☐ OTHER:\_\_\_\_\_

[ ] **The Trustee objects to the Debtor's claim of exemption pursuant to 11 U.S.C. 522(d)(10) for the following reasons:**

- [ ] The asset proposed to be exempt does not qualify as one of the enumerated types of payments entitled to be exempt for the following reason:\_\_\_\_\_
- [ ] The Debtor's right to receive matured pre-petition and, thus, this exemption does not apply.
- [ ] OTHER:\_\_\_\_\_

[XXX] **The Trustee objects to the Debtor's claim of exemption pursuant to 11 U.S.C. 522(d)(11) for the following reasons:**

- [ ] The amount claimed as exempt exceeds the amount necessary for the support of the Debtor or dependent.
- [ ] The amount claimed as exempt relating to a personal bodily injury claim exceeds the statutory limit.
- [ ] The amount claimed as exempt is not in compensation of loss of future earnings of the Debtor or an individual on whom the Debtor is dependent, but, rather, a loss of past earnings.

[XXX] **OTHER:**

(1) **The Debtor has improperly claimed an exemption in a TWO pieces of litigation jointly.**

(2) **One piece of litigation is not a personal injury case.**

(3) **The Debtor claims "100% of the fair market value, up to any applicable statutory limit" making it impossible for the Trustee to know how much of the exemption applies.**

[ ] **The Trustee objects to the Debtor's claim of exemption pursuant to 11 U.S.C. 522(d)(12) for the following reasons:**

- [ ] The funds claimed to be exempt are not an account exempt from taxation under one of the enumerated sections of the Internal Revenue Code.
- [ ] OTHER:\_\_\_\_\_

**WHEREFORE**, the Trustee requests entry of an Order striking the improperly claimed exemption in its entirety with prejudice.

Respectfully submitted

*/s/ Andrea Dobin*

\_\_\_\_\_  
Andrea Dobin